

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SAMER AL-AZEM ET AL

CASE NO. 6:25-CV-00417

VERSUS

JUDGE ROBERT R. SUMMERHAYS

SAFE ARC TECHNOLOGY L L C

MAGISTRATE JUDGE DAVID J. AYO

MEMORANDUM RULING AND ORDER

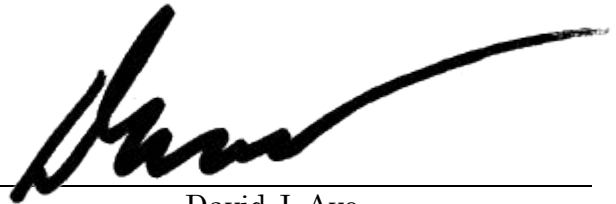
Currently before the Court is DEFENDANT SAFE ARC TECHNOLOGY, LLC'S MOTION TO WITHDRAW ITS PENDING MOTION TO DISMISS PURSUANT TO RULE 12(B)(1) (FOR LACK OF SUBJECT MATTER JURISDICTION) AND RULE 12(B)(6) (FOR FAILURE TO STATE A CLAIM). (Rec. Doc. 18). The motion seeks to withdraw the referenced motion to dismiss filed on June 17, 2025. (Rec. Doc. 11). The instant motion references the filing of PETROHAB'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT by Plaintiffs Samer Al-Azem and PetroHab, LLC on June 20, 2025. (Rec. Doc. 16).

Since the First Amended Complaint was filed within 21 days of service of the Motion to Dismiss, it was timely under Rule 12(a)(1)(B) and, as such, the Motion to Dismiss is now moot. *See generally Barnes v. Dist. of Columbia*, 42 F. Supp. 3d 111, 117 (D.D.C. 2014) ("When a plaintiff files an amended complaint as of right within 21 days after the filing of the motion to dismiss under Rule 12(b), (e), or (f), the amended complaint becomes the operative pleading . . . and any pending motion to dismiss becomes moot."); *Gray v. D.C. Public Schools*, 688 F. Supp. 2d 1, 6 (D.D.C. 2010) ("When a plaintiff amends her complaint, it renders a motion to dismiss that complaint moot."). The filing of the First Amended Complaint mooted the Motion to Dismiss by operation of law, thereby making the instant motion unnecessary. Given the foregoing,

IT IS ORDERED that DEFENDANT SAFE ARC TECHNOLOGY, LLC'S COMBINED MOTION TO DISMISS PURSUANT TO RULE 12(B)(1) (FOR LACK OF SUBJECT MATTER JURISDICTION) AND RULE 12(B)(6) (FOR FAILURE TO STATE A CLAIM) (Rec. Doc. 11) is DENIED AS MOOT given the timely filing of Plaintiffs' First Amended Complaint (Rec. Doc. 16).

IT IS FURTHER ORDERED that DEFENDANT SAFE ARC TECHNOLOGY, LLC'S MOTION TO WITHDRAW ITS PENDING MOTION TO DISMISS PURSUANT TO RULE 12(B)(1) (FOR LACK OF SUBJECT MATTER JURISDICTION) AND RULE 12(B)(6) (FOR FAILURE TO STATE A CLAIM) (Rec. Doc. 18) is DENIED AS MOOT.

THUS DONE in Chambers on this 3rd day of July, 2025.

A handwritten signature in black ink, appearing to read 'David J. Ayo', written over a horizontal line.

David J. Ayo
United States Magistrate Judge